

09/743107



Patent  
Attorney's Docket No. 1003300-000723

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of ) Attention:  
Lars A. Hanson et al. ) Certificate of Correction Branch  
Patent No.: 7,253,143 )  
Issued: August 7, 2007 )  
Title: PEPTIDES BASED ON THE )  
SEQUENCE OF HUMAN )  
LACTOFERRIN AND THEIR USE )  
)

**REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.323**

ATTN: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Certificate*  
*MAY 07 2009*  
*of Correction*

Sir:

Issuance of a Certificate of Correction for the above-captioned patent is respectfully requested in accordance with the accompanying Form PTO-1050 (submitted in duplicate).

- The requisite government fee of \$ 100:  
 is submitted herewith;  
 is authorized to be charged to Deposit Account No. 02-4800; or  
 charge to credit card. Form PTO-2038 is attached.  
 It is believed that payment of a fee is unnecessary.

**CORRECTION REQUESTED**

Patentee hereby requests the issuance of a Certificate of Correction directed to the above-identified Patent.

Please correct the Patent as follows:

33. A purified peptide comprising <sup>20</sup>Cys-Phe-X<sub>1</sub>-X<sub>2</sub>-X<sub>3</sub>-X<sub>4</sub>-X<sub>5</sub>-X<sub>6</sub>-X<sub>7</sub>-Lys-Val-Arg<sup>31</sup> (SEQ ID NO: 99) wherein X<sub>1</sub> is Gln, or Ala; X<sub>2</sub> is Trp or Leu; X<sub>3</sub> is Gln, Lys, Orn, Ala, or Nle; X<sub>4</sub> is Arg, Lys, Ala; X<sub>5</sub> is Asn, Orn, Ala, or Nle; X<sub>6</sub> is Met or Leu; and X<sub>7</sub> is Arg or Lys, wherein the peptide is SEQ ID NO:2-5, 8, 31-37, 47, 49, 51, 63, 65, 67, 70, 72-74, 80-83, 87-88 or 89 87-96 or 97, and wherein the cysteine is replaced by an acetamidomethyl-cysteine.

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**REMARKS**

It has been found that a clerical/typographical error is present in Claim 33 of USPN 7,253,143 due to Applicants' mistake. The correction of the error does not constitute new matter and does not require reexamination.

The application (USSN 09/743,107) from which the present patent issued contained, amongst others, Claim 54 (Claim 1 of the patent) and Claim 66 (Claim 33 of the patent). Claim 54 and Claim 66 presented similar scope, with Claim 66 reciting that the cysteine is replaced by an acetamidomethyl-cysteine.

An Amendment filed on February 27, 2006, amended claim 54 and claim 66 with the intention of making claims 54 and 66 of the same scope, with the exception that claim 66 recites that the cysteine is replaced by an acetamidomethyl-cysteine.

Claim 54 (Claim 1 of the patent) recited "SEQ ID NOs. 2-5, 8, 31-37, 47, 49, 51, 63, 65, 67, 70, 72-74, 80-83, or 87-97."

The Amendment filed on February 27, 2006, remarks on page 9 (emphasis added), "As amended herein claim 66 recites SEQ ID NOs. 2-5, 8, 31-37, 47, 49, 51, 63, 65, 67, 70, 72-74, 80-83, and 87-97." A clerical/typographical error in producing the AMENDMENTS TO THE CLAIMS resulted in claim 66 erroneously being presented as "SEQ ID NOs. 2-5, 8, 31-37, 47, 49, 51, 63, 65, 67, 70, 72-74, 80-83, or 87-89."

Clearly, applicants intended the claim scope of Claim 66 (Claim 33 of the patent) to recite "SEQ ID NOs. 2-5, 8, 31-37, 47, 49, 51, 63, 65, 67, 70, 72-74, 80-83, or 87-97."

Further, the Notice of Allowance clearly recites that such subject matter is patentable and, therefore, issuing the Certificate of Correction does not require reexamination. The Notice of Allowance recites, at pages 3-4 (emphasis added):

The following is an Examiner's Statement of Reasons for Allowance: The following references appear to be the closest art to the claimed invention. Yamamoto *et al.* (U.S. Patent 5,565,425) teach a peptide having the amino acid sequence of A-Cys-Phe-Gln-Trp-Gln-Arg-Asn-met-Arg-Lys-Val-Arg-Gly-Pro-Pro-Val-Ser-Cys-B, where A- is a free amino group, an acetyl group or a dipeptide and -B is a pentapeptide having the amino acid sequence Val-Arg-Arg-Ala-phe; and Bellamy *et al.* (Biochimica et Biophysica Acta 1121, 130-136 (1992) teach lactoferricin H (residues 1-47) and lactoferricin B (residues 17-41). However, the references do not teach or suggest the peptide consisting of the amino acid sequence of SEQ ID NO:2-5, 8, 31-37, 47, 49, 51, 63, 65, 67, 70, 72-74, 80-83, 87-96, or 97. Therefore, the claims are allowable over the art of record.

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Accordingly, the clerical/typographical error present in claim 33 of USPN 7,253,143, is respectfully requested to be corrected by the issuance of a Certificate of Correction.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. § 1.20(a) that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: 5 May 2009

By: T.D. Boone  
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**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

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PATENT NO. : 7,253,143

APPLICATION NO.: 09/743,107

ISSUE DATE : 08/07/2007

INVENTOR(S) : Lars A. Hanson et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 74, line 18, the portion of the SEQ ID NO reading "87-88 or 89" should read --87-96 or 97--.

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Buchanan Ingersoll & Rooney  
P.O. Box 1404  
Alexandria, VA 22313-1404

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*